

The article was alleged to be misbranded in that the statement "Protein 20%" and "Fibre 18%" were false and misleading, since it contained protein in amounts varying from 17.81 percent to 17.99 percent, and contained fibre in amounts varying from 25 percent to 25.12 percent.

On May 3, 1943, a plea of guilty having been entered, the court imposed a fine of \$25.

**5382. Misbranding of calf meal. U. S. v. 39 Bags and 6 Bags of Calf Meal. Default decree of condemnation and destruction. (F. D. C. No. 9937. Sample No. 8741-F.)**

On May 13, 1943, the United States attorney for the Western District of Wisconsin filed a libel against 39 25-pound bags and 6 100-pound bags of calf meal at Arcadia, Wis., alleging that the article had been shipped in interstate commerce on or about March 9, 1943, by the Hilltop Mills from Minneapolis, Minn.; and charging that it was misbranded. The article was labeled in part: "Hilltop Calf Meal \* \* \* Guaranteed Analysis Protein not less than 24% Fat not less than 4.5%."

The article was alleged to be misbranded in that the statement "Protein not less than 24% Fat not less than 4.5%" was false and misleading as applied to the article since it contained not more than 20.94 percent of protein and not more than 3.64 percent of fat.

On June 19, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**5383. Adulteration of dried egg screenings. U. S. v. 12 Barrels of Dried Egg Screenings. Default decree of condemnation. Product ordered denatured for the purpose of feeding hogs. (F. D. C. No. 10035. Sample No. 9063-F.)**

On or about June 10, 1943, the United States attorney for the Northern District of Texas filed a libel against 12 barrels of dried egg screenings at Fort Worth, Tex., alleging that the article had been shipped in interstate commerce on or about April 15, 1943, by T. Jensen & Sons from Chanute, Kans.; and charging that it was adulterated in that it consisted wholly or in part of filthy substances, cinder fragments, rodent hair fragments, rust and lead fragments, and a decomposed substance, moldy egg particles.

On July 21, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. On August 11, 1943, the order of destruction was amended providing that the product be denatured and disposed of as hog feed.

### MEAT AND POULTRY

**5384. Adulteration of skinless frankfurters. U. S. v. 48 Cases and 3 Cases of Skinless Frankfurters. Default decrees of condemnation. Product destroyed. (F. D. C. Nos. 10213, 10214. Sample Nos. 8621-F, 8622-F.)**

On June 30, 1943, the United States attorney for the District of South Dakota filed libels against 48 cases and 3 cases of skinless frankfurters at Sioux Falls, S. Dak., alleging that the article had been shipped in interstate commerce on or about June 1 and 12, 1943, by the Delco (Delico) Meat Products Co. from Kansas City, Mo.; and charging that it was adulterated in that it consisted wholly or in part of filthy and putrid matter.

On August 2, 1943, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be disposed of by the marshal. It was destroyed.

**5385. Misbranding of chicken liver juive. U. S. v. 74 Cases of Chicken Liver Juive. Decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 10424. Sample No. 11568-F.)**

This product was short-weight.

On August 17, 1943, the United States attorney for the Northern District of California filed a libel against 74 cases of chicken liver juive at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about June 29, 1943, by Appetizing Food Products from Detroit, Mich.; and charging that it was misbranded. The article was labeled in part: (Jar lid) "Giovanni's Chicken Liver Juive Spread for sandwiches \* \* \* Net Wt. 3 7/8 oz."

The article was alleged to be misbranded in that the statement "Net Wt. 3 7/8 oz." was false and misleading as applied to an article that was short-weight, and in that it was in package form and its label failed to bear an accurate statement of the quantity of the contents.

On September 11, 1943, Giovanni Ricossa, doing business as Appetizing Food Products, having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond for relabeling in conformity with the law under the supervision of the Food and Drug Administration.

**5386. Adulteration of poultry. U. S. v. 36 Boxes of Poultry. Default decree of condemnation and destruction. (F. D. C. No. 9718. Sample No. 9047-F.)**

This product had been gnawed by rodents, and rodent pellets were found in practically all the boxes. Rodent nests were found in several boxes, and one box contained 7 mice.

On March 29, 1943, the United States attorney for the Northern District of Texas filed a libel against 36 boxes of poultry at Fort Worth, Tex., alleging that the article had been shipped in interstate commerce on or about March 17, 1943, by Wilson & Co., from Wichita, Kans.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: "Wilson's Certified Poultry," or "Majestic Brand Poultry."

On June 12, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**5387. Adulteration of poultry. U. S. v. Daniel C. Hader. Plea of guilty. Fine, \$10 and costs. (F. D. C. No. 8816. Sample No. 2337-F.)**

On March 3, 1943, the United States attorney for the Western District of Missouri filed an information against Daniel C. Hader at Kansas City, Mo., alleging shipment on or about November 10, 1942, from the State of Missouri into the State of Illinois of a quantity of poultry that was adulterated in that it consisted in whole or in part of a decomposed substance, and in that it was in whole or in part the product of diseased animals.

On November 15, 1943, the defendant having entered a plea of guilty, the court imposed a fine of \$10 and costs.

**5388. Adulteration of poultry. U. S. v. 25 Barrels of Poultry. Default decree of condemnation. Product ordered destroyed or delivered to a rendering plant for rendering of the fat contents. (F. D. C. No. 10398. Sample No. 46119-F.)**

On August 12, 1943, the United States attorney for the District of Maryland filed a libel against 25 barrels of poultry at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about August 4, 1943, by the Seaboard Poultry Co. from Dover, Del.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance by reason of the presence of diseased birds and birds contaminated with fecal matter, and in that it was in whole or in part the product of a diseased animal or of an animal which had died otherwise than by slaughter. The article was labeled in part: "Millsboro Farms Brand Extra Fancy Delaware Poultry."

On September 14, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed or delivered to rendering plant for rendering of the fat contents.

**5389. Adulteration of poultry. U. S. v. 517 Crates of Frozen, Dressed, and Drawn Poultry. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of the unfit portion. (F. D. C. No. 10295. Sample No. 38805-F.)**

On or about July 9, 1943, the United States attorney for the Northern District of Illinois filed a libel against 517 crates of frozen, dressed, and drawn poultry at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about June 25, 1943, by the Wichita Ice & Cold Storage Co. from Wichita, Kans.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, and decomposed substance.

On July 23, 1943, the Kepner Poultry & Egg Co., Chicago, Ill., having appeared as claimant and having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for salvaging by sorting the fit from the unfit portion and destroying the latter, under the supervision of the Food and Drug Administration.

**5390. Adulteration of turkeys. U. S. v. 55 Crates of Turkeys. Decree of condemnation. Product ordered released under bond to be brought into compliance with the law or destroyed. (F. D. C. No. 10529. Sample No. 43339-F.)**

On or about September 20, 1943, the United States attorney for the District of Kansas filed a libel against 55 crates of turkeys at Kansas City, Kans., alleging